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7583/01

Re: Craig M. Howard v. Liberty Life Assurance Company of Boston
USDC, Middle District, PA Civil Action No. 1:CV-01-797

Honorable Yvette Kane
Judge, Middle District of PA
Federal Building, Room 830
228 Walnut Street
Harrisburg, PA 17108

HAND-DELIVERED

FILED
HARRISBURG

JAN 28 2002

MARY E. D'ANDREA, CLERK
Per  DEPUTY CLERK

Dear Judge Kane:

I would like to supplement my Letter Brief of January 23, 2002 to call Your Honor's attention to your recent decision in Ayers v. The Maple Press Company and Affiliated Companies, Civil Action No. 1:00-CV-480, filed October 16, 2001.

I think the decision is significant because in it you note:

"Unfortunately, the parties in this case have provided the Court with little evidence concerning the degree of the conflict or how it affected the decision to deny benefits in Plaintiff's case...Without such evidence, this Court is unwilling to slide far along Pinto's sliding scale of heightened arbitrary and capricious review." (P. 5-6)

Respectfully Submitted,

RHOADS & SINON LLP

By: 
John C. Dowling

DBD/clz

cc: William C. Foster, Esquire
(Via Facsimile and U.S. First Class Mail)